

In The Court Of Appeal Of The State Of California 85  
Sixth Appellate District  
San Jose, California

MONDAY, MAY 13, 2002

H024194 GLORIA B. v. SUPERIOR COURT OF SANTA CLARA COUNTY

The petition for extraordinary writ is denied. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing, J.)  
Filed May 13, 2002

TUESDAY, MAY 14, 2002

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Rushing, J.; and Judy Benitez, Deputy Clerk.

H022506 PEOPLE v. BENTON-TOPPS

Cause called and argued by Margaret Marr appearing for Appellant and by Aileen Bunney, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023349 PEOPLE v. ALICIA W.

Cause called and argued by Tara Maria Mulay appearing for Appellant and by Ryan B. McCarroll, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022788 HYLAND, as Conservator, etc. v. TEVINI

Cause called and argued by James L. Dawson appearing for Respondent. Appellant's counsel, Albert J. Nicora, did not appear at oral argument. Cause ordered submitted.

H023561 PEOPLE v. RANGER INSURANCE COMPANY

Cause called and argued by Donald Kevin Dunn appearing for Appellant and by Harrison D. Taylor, Deputy County Counsel, appearing for Respondent. Cause ordered submitted. Court is adjourned.

H023042 PEOPLE v. ABRAHAM H., A Minor

The jurisdictional and dispositional orders are sustained, but the matter is remanded for the court to exercise its discretion and designate the minor's offense a misdemeanor or felony. (not published)  
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)  
Filed May 14, 2002

In The Court Of Appeal Of The State Of California 86  
Sixth Appellate District  
San Jose, California

Tuesday, May 14, 2002 (continued)

H022769 LUCIA LODGE, INC. v. FORD MOTOR COMPANY

The judgment is reversed. Appellant is to have costs on appeal. (not published)  
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing, J.)  
Filed May 14, 2002

H022553 SARATOGA FIRE PROTECTION DISTRICT v. HACKETT

(Filed order modifying opinion.) The Saratoga Fire Protection District's petition for rehearing is denied. There is no change in judgment. (published)  
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)  
Filed May 14, 2002

H022583 PEOPLE v. THURSTON

The judgment is affirmed. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)  
Filed May 14, 2002

H021899 PEOPLE v. FRYMAN

The judgment is reversed. The matter is remanded for a new trial as to the allegation that defendant suffered a 1996 conviction for discharging a firearm in a grossly negligent manner that qualified as a strike prior under the Three Strikes law. If the allegation is not retried or is found not true, the trial court shall resentence defendant. If the allegation is found true, the trial court may reinstate defendant's original sentence. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing, J.)  
Filed May 14, 2002

H021527 PEOPLE v. ESTRADA, et al.

The judgments are affirmed. (not published)  
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)  
Filed May 14, 2002

H023745 PEOPLE v. VIBANCO

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)  
Filed May 14, 2002

In The Court Of Appeal Of The State Of California 87  
Sixth Appellate District  
San Jose, California

Tuesday, May 14, 2002 (continued)

H021968 SCHNEIDER v. ROBERTS, et al.

(Filed order modifying opinion.) The petition for rehearing is denied. There is no change in the judgment. (not published) (Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)  
Filed May 14, 2002

WEDNESDAY, MAY 15, 2002

H022783 PEOPLE v. ARAS-MALDONADO

The judgment is reversed, and the matter is remanded for the sole purpose of permitting the prosecutor to request, within 30 days after the filing of the remittitur, a hearing on the issue of testing defendant for HIV. If the prosecutor makes a timely request, the court shall hold a hearing to determine whether HIV testing is required under Penal Code section 1202.1, subdivision (a) and subdivision (e)(6). If no request is made within 30 days, or if the court determines that an HIV test is not supported by probable cause, the court is directed to enter a new judgment omitting the HIV testing order and including a \$200 restitution fine. If the court determines that HIV testing is authorized, it shall enter a new judgment ordering HIV testing and a \$200 restitution fine. The court shall amend the abstract of judgment accordingly and forward a certified copy to the Department of Corrections. (not published) (Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)  
Filed May 15, 2002

H021738 PEOPLE v. MIGUEL R.

The order requiring minor to register under section 186.30 is reversed due to insufficiency of the evidence. (not published) (Bamattre-Manoukian, Acting P.J.; I concur: Mihara, J.; I concur in the result only: Rushing, J.)  
Filed May 15, 2002

THURSDAY, MAY 16, 2002

H023629 PEOPLE v. LATTIMORE

The judgment is affirmed. (not published) (Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)  
Filed May 16, 2002

In The Court Of Appeal Of The State Of California 88  
Sixth Appellate District  
San Jose, California

Thursday, May 16, 2002 (continued)

H021361 TABIBIAN v. TABIBIAN

The judgment is affirmed. Appellant shall bear costs on appeal. (not published)  
(Elia, J.; We concur: Premo, Acting P.J., Mihara, J.)  
Filed May 16, 2002

H020526 PEOPLE v. GARCIA

By the Court\*:

Appellant's petition for rehearing is denied.  
Filed: May 16, 2002  
\*Before Premo, Acting P.J., Elia, J. and Mihara, J.

FRIDAY, MAY 17, 2002

H022025 PRUDENTIAL INSURANCE COMPANY OF AMERICA, INC., et al. v. SUPERIOR COURT OF SANTA CRUZ COUNTY

Let a peremptory writ of mandate issue directing respondent court to vacate its order denying the motion for summary judgment of defendants Prudential Insurance Company of America and Prudential Health Care Plan of California, Inc., and to enter a new order granting the motion. The temporary stay order is vacated. Each party is to bear its own costs in this original proceeding. (Published)  
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Premo, J.)  
Filed May 17, 2002

H023699 PEOPLE v. MOORE, JR.

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)  
Filed May 17, 2002

H021388 PEOPLE v. ROY

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing, J.)  
Filed May 17, 2002

H023494 PEOPLE v. AMWEST SURETY INSURANCE COMPANY

The order is affirmed. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing, J.)  
Filed May 17, 2002

In The Court Of Appeal Of The State Of California      89  
Sixth Appellate District  
San Jose, California

Friday, May 17, 2002 (continued)

H023500    SAN BENITO COUNTY HEALTH AND HUMAN SERVICES AGENCY v.  
DELIA T.

    The judgment is affirmed. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)  
Filed May 17, 2002

H022788    HYLAND v. TEVINI

    Donald Tevini has challenged the appointment of Christine M. Hyland as conservator, has independently challenged the powers the court gave to her as conservator and has challenged the court's orders in respect to her assumption of any position of trust with respect to James Tevini as well as Victoria Tevini and their respective community property. The conservatee, James Tevini, died April 6, 2002, accordingly the appeal is dismissed as moot.(not published)  
(Rushing, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)  
Filed May 17, 2002